

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

TASBY T. LEATHERS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 05-CV-225-JHP-SAJ
	)	
STATE OF OKLAHOMA,	)	
	)	
Respondent.	)	

**ORDER**

On April 26, 2005, the Court received for filing Petitioner's petition for writ of habeas corpus (Dkt. # 1). Petitioner is presently incarcerated at the David L. Moss Criminal Justice Center, Tulsa, OK, and appears *pro se*. Petitioner appears to challenge the validity of his detention on pending charges in state court. As a result, the Court has determined that this matter shall be adjudicated as a 28 U.S.C. § 2241 petition for writ of habeas corpus. See Dkt. # 2.

By Order filed May 19, 2005 (Dkt. # 4), the Court directed Petitioner to submit an amended petition to clarify the bases of his claims and to inform the Court of his efforts, if any, to exhaust available state remedies. He was also denied leave to proceed *in forma pauperis* and directed to pay the \$5.00 filing fee. The Order established a deadline of June 20, 2005, for compliance. Petitioner was specifically advised that "failure to comply with this Order may result in dismissal of this action without prejudice and without further notice." See Dkt. # 4.

To date, Petitioner has not submitted an amended petition nor has he paid the filing fee. The deadline for compliance has passed. Because Petitioner has failed to comply with the Court's Order of May 19, 2005, the Court finds that this action may not proceed and should, therefore, be dismissed without prejudice for lack of prosecution.

**ACCORDINGLY, IT IS HEREBY ORDERED** that this action is **dismissed without**

**prejudice** for lack of prosecution.

SO ORDERED this 13<sup>th</sup> day of July 2005.



James H. Payne  
United States District Judge  
Northern District of Oklahoma